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BEFORE THE ARIZONA CORPORATION COMMISSION

2002 AUG -2 P 4: 22

WILLIAM A. MUNDELL

CHAIRMAN

JIM IRVIN

COMMISSIONER

MARC SPITZER

COMMISSIONER

AZ CORP COMMISSION
DOCUMENT CONTROL

JOINT APPLICATION OF ACSI LOCAL SWITCHED SERVICES, INC. D/B/A E.SPIRE AND AMERICAN COMMUNICATION SERVICES OF PIMA COUNTY, INC. D/B/A E.SPIRE AND XSPEDIUS MANAGEMENT CO. SWITCHED SERVICES, L.L.C., AND XSPEDIUS MANAGEMENT CO. OF PIMA COUNTY, L.L.C. FOR EXPEDITED APPROVAL OF (i) THE TRANSFER OF SUBSTANTIALLY ALL OF THE ASSETS, INCLUDING THE CUSTOMER CONTRACTS, OF THE E.SPIRE OPERATING ENTITIES TO THE XSPEDIUS OPERATING ENTITIES; (ii) THE DISCONTINUANCE OF TELECOMMUNICATIONS SERVICES IN ARIZONA BY THE E.SPIRE OPERATING ENTITIES

IN THE MATTER OF THE APPLICATION OF XSPEDIUS MANAGEMENT CO. OF PIMA COUNTY, L.L.C. FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE INTRASTATE TELECOMMUNICATIONS SERVICES

IN THE MATTER OF THE APPLICATION OF XSPEDIUS MANAGEMENT CO. SWITCHED SERVICES, L.L.C. FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE INTRASTATE TELECOMMUNICATIONS SERVICES

Docket No. T-03411A-02-0450

T-03597A-02-0450

T-04112A-02-0450

T-04113A-02-0450

Arizona Corporation Commission

DOCKETED

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CMC

Docket No. T-04112A-02-0451

Docket No. T-04113A-02-0452

NOTICE OF FILING OF AFFIDAVIT OF PUBLICATION

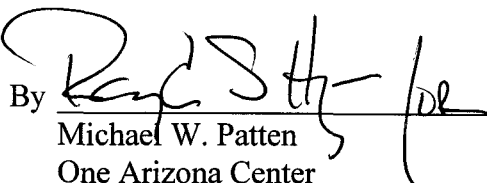
Please take notice that ACSI Local Switched Services, Inc. dba e.spire and American Communication Services of Pima County, Inc. dba e.spire and Xspedius Management Co.

ROSHKA HEYMAN & DEWULF, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

Switched Services, L.L.C., and Xspedius Management Co. of Pima County, L.L.C. hereby file the attached Affidavit of Publication from the Arizona Republic to verify that public notice was published regarding the above-referenced joint transfer application and the two CC&N applications.

RESPECTFULLY SUBMITTED August 2, 2002.

ROSHKA HEYMAN & DEWULF, PLC

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Attorneys for ACSI Local Switched Services, Inc.;
American Communication Services of Pima County
Inc.; Xspedius Management Co. Switched Services,
L.L.C.; Xspedius Management Co. of Pima County,
L.L.C.

ORIGINAL + 10 COPIES of the foregoing
filed August 2, 2002, with:

Docket Control
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, Arizona 85007

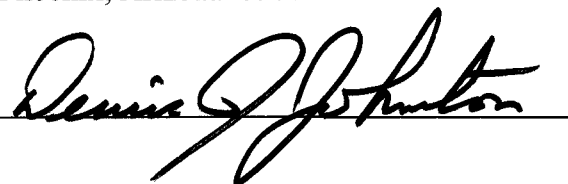
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TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1 COPIES of the foregoing hand-delivered
2 August 2, 2002, to:

3 Teena Wolfe, Esq.
4 ALJ, Hearing Division
5 ARIZONA CORPORATION COMMISSION
6 1200 West Washington
7 Phoenix, Arizona 85007

8 Christopher Kempley, Esq.
9 Chief Counsel, Legal Division
10 ARIZONA CORPORATION COMMISSION
11 1200 West Washington
12 Phoenix, Arizona 8500

13 John Bostwick
14 Utilities Division
15 ARIZONA CORPORATION COMMISSION
16 1200 West Washington
17 Phoenix, Arizona 8500

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PUBLIC NOTICE OF HEARING ON THE APPLICATIONS OF AMERICAN COMMUNICATION SERVICES OF PIMA COUNTY, INC. D/B/A E.SPIRE AND ACSI LOCAL SWITCHED SERVICES, INC. D/B/A E.SPIRE FOR AUTHORITY TO TRANSFER ASSETS, AND BY XSPEDIUS MANAGEMENT CO. OF PIMA COUNTY, LLC AND XSPEDIUS MANAGEMENT CO. SWITCHED SERVICES, LLC FOR CERTIFICATES OF CONVENIENCE AND NECESSITY

DOCKET NOS. T-04112A-02-0450 ET AL

Xspedius Management Co. of Pima County, LLC and Xspedius Management Co. Switched Services, LLC ("Companies") have

filed with the Arizona Corporation Commission ("Commission") Applications for Certificates of Convenience and Necessity ("CC&Ns") to provide competitive local exchange, exchange access, and interexchange telecommunications service in the State of Arizona. These Applications have been consolidated with an application filed jointly by the Companies and American Communication Services of Pima County, Inc. dba e.spire, and ACSI Local Switched Services, Inc. dba e.spire ("e.spire Entities") for authority pursuant to A.R.S. § 40-285 to transfer substantially all the e.spire Entities' assets to the Companies and to discontinue the e.spire Entities' provision of competitive local exchange service, pursuant to A.A.C. R14-2-1107.

The consolidated Applications are available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, AZ, and at the Companies' offices: (i) ACSI at e.spire Communications, 7125 Columbia Gateway Drive, Suite 200, Columbia, MD 21046; and (ii) Xspedius at 901 Lakeshore Drive, Floor 2, Lake Charles, LA 70601.

The Commission will hold a hearing on the requested asset transfers and CC&N Applications beginning August 6, 2002 at 11:00 a.m. at the Commission's offices, 1200 West Wash-

2463

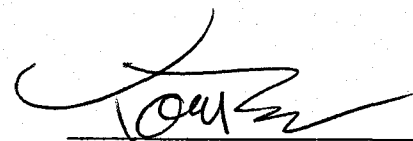
THE ARIZONA REPUBLIC

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS.

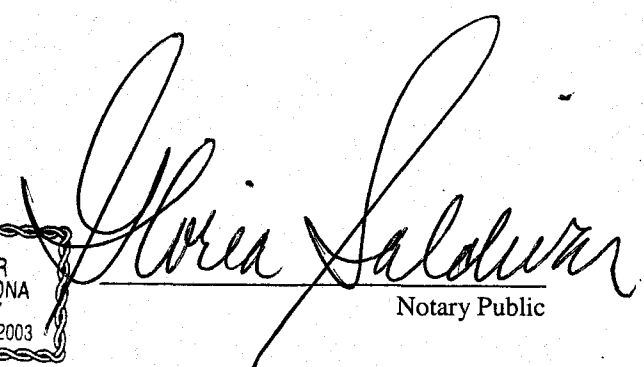
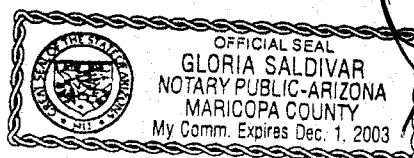
TOM BIANCO, being first duly sworn, upon oath deposes and says: That he is the legal advertising manager of the Arizona Business Gazette, a newspaper of general circulation in the county of Maricopa, State of Arizona, published at Phoenix, Arizona, by Phoenix Newspapers Inc., which also publishes The Arizona Republic, and that the copy hereto attached is a true copy of the advertisement published in the said paper on the dates as indicated.

The Arizona Republic

07/29/2002



Sworn to before me this
29TH day of
July A.D. 2002



Notary Public

transfers and CC&N Applications beginning August 6, 2002 at 11:00 a.m. at the Commission's offices, 1200 West Washington, Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

You may have the right to intervene in the proceeding. If you do not want to intervene, you may appear at the hearing and make a statement on your own behalf. Intervention will be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission. Such motion should also be sent to the Companies or their counsel and to all parties of record, and must, at the minimum, contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.

2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the Companies or the e.spire Entities, a stockholder of the Companies or the e.spire Entities, a competitor, etc.).

3. A statement certifying that a copy of the motion to intervene has been mailed to the Companies and the e.spire Entities or their counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene in the hearing matters must be filed on or before August 12, 2002. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any person or entity from appearing at the hearing and making a public statement, or from filing written comments in the record of this proceeding.

If you have any questions about this application, or want information on intervention or the filing of written comments, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, AZ, 85007 or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shelly Hood, ADA Coordinator, voice phone number 602/542-3931, e-mail shood@cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.

Land for Sale/Lease

042 N 32nd St
Locations Mo to Mo starts 31
602.482.3300
602.370.6000

2) 265-4121
226 N Cavetree Off-Retail-
Warehouse Roll-up Doors.
1650st \$950mo. 602-370-6072
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w.office space-az.com
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602) 690-2104
Real Estate

SPACE

Mr. Kelly 480-874-8697
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Warehouse, Inc., limited
the turn, av., limited
101 Normal bus. hrs.
from 600st to 1105st.
Near
singles.

Office, 602-225-2275.
 Div. 2400sqft Office
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house at 00
1/2 mile of
W/1352 st
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mer. (480) 303-9333
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Neater to small
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0-874-8697
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Apply - Aug 1st

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